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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,523	09/02/2003	Paolo Tiramani	286357-00004-1	3343

7590 06/24/2008
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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

06/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/653,523

Applicant(s)

TIRAMANI, PAOLO

Examiner

Jeanette E. Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

In view of the Brief filed on 4/18/08, PROSECUTION IS HEREBY REOPENED.
As set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Brian Glessner
Supervisory Patent Examiner

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattner (3720022) in view of Donahue (2644203).

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Dattner discloses a prefabricated house comprising:

1. two or more modules 11, each module having
2. a frame, 101-104, 105-108, 109-112
3. each module having one or more multi-frame openings; see figures 2
 - a. each multi-frame opening incorporating two studs 109-112 from said frame plurality of studs
 - b. a plurality of medial cross-members 101-104 and 105-108
4. the modules structured to be joined at one or more multi-framed openings; see figures 2
5. the multi frame openings are enclosed within a covering 27 over the frame
6. the multi frame openings are structured to be converted into openings; see the abstract
7. the multi frame openings include a pair of spaced apart studs; see figures 2; The Random House College discloses that a stud is "...any of a number of slender, upright members of wood, steel, etc. forming the frame of a wall or partition and covered with plasterwork."
8. a plurality of cross members extending between two studs

Applicant argues that Dattner does not disclose studs for the frame and for the multiframe opening within the frame openings.

Donahue discloses:

A prefabricated house comprising:

two or more modules 10/16, each module having a frame, said frame having a plurality of studs 70, 12,95, 99, figure 2;

said module frames having one or more multiframe openings at 102/103;

each said multi-frame opening incorporating two studs 70/99 from said frame plurality of studs

In view of the above, it would have been obvious to include the modules including studs and the modules including one or more multi-frame openings incorporating studs from the plurality of studs in order to reinforce and strengthen the modules.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattner in view of Donahue and further in view of Derman (2070924). Dattner lacks the cross members removably coupled to the studs. Derman discloses a cuboid volume with cross members 35/27 and studs 22/19. The studs are removably coupled to the cross members. It would have been obvious to one of ordinary skill in the art to removably couple the studs to the cross members to allow for a greater degree in variation of size of the room modules as shown by Derman.

Claims 7-13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattner in view of Donahue and further in view of Prigmore et al (4779514).

Prigmore et al includes a prefabricated unit with foldable panels. One of the modules is a core having a fixed spaced portion 16/18 and a passive space portion 12/14. The fixed spaced portion having non-foldable walls and the passive space portion having foldable panels. See figure 7 of Prigmore et al. the foldable panels are movable from a

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first closed position to a second open position. The size of the fixed space in comparison to the passive space has been considered a matter of choice. One of ordinary skill in the art would have appreciated making the modules of any dimensions permitting the intended use, function and purpose of the prefabricated unit. It would have been obvious to one of ordinary skill in the art to modify Dattner to include foldable panels and the fixed and passive spaces to permit transport of the prefabricated unit as shown by Prigmore et al.

Regarding claim 9: Dattner discloses the multi-frame opening are structured to be converted into an openings such as windows and doors. See column 3, lines 1-7.

Regarding claim 10: Dattner discloses modules joined at multi-frame openings with the modules disposed in more than one configuration relative to each other. See abstract.

Regarding claim 11: Dattner discloses the multi frame opening s enclosed within a covering 27 over the frame and the multi frame openings are structured to be converted into openings. See figure 14

Regarding claim 12-13: see first rejection above

Regarding claim 16: It would have been obvious to one of ordinary skill in the art to add any type of trim to provide a finished and completed appearance to the building structure.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattner in view of Donahue and further in view of Prigmore et al as applied to claim

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13 and 12 and further in view of Derman (2070924). Derman is considered in the same manner as described above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/
PRIMARY EXAMINER
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